

**REMARKS**

Review and reconsideration on the merits are requested.

**Formalities**

Applicants appreciate the Examiner acknowledging certified copies of the priority documents (there is one priority document) and informing Applicants that copies of the references should have been filed with the Information Disclosure Statement not simply listed on PTO/SB/08.

Applicants submit herewith a clean PTO/SB/08 listing the references and providing copies except for US 4,604,306 which the Examiner has considered.

**DETAILED ACTION**

**Claims**

**Paragraph 3**

Applicants appreciate the Examiner's position regarding features following "preferably" and features following "in particular", etc.

If the Examiner would like the claims to be amended to attend to this informality, Applicants offer to correct the same.

A telephone call to the undersigned at the later given telephone exchange will suffice.

**Claim Objections**

**Paragraph 4**

The objection to claim 2 is responded to by using "consists of" terminology.

Withdrawal of the objection is requested.

**Claim Rejections - 35 U.S.C. § 112  
Second Paragraph**

The Examiner rejects claims 19-22, specifically referring to claim 19, line 2, and Applicants traverse as follows.

The preamble of claim 19 currently reads:

“19. (currently amended): Device for coating by means of a flame, **suitable for carrying out the method according to claim 1...**” (bolding added)

Applicants respectfully submit that claim 19 is, in fact, a pure device claim and does not at the same time claim a method (in combination with claiming the device).

Claim 19 simply refers to a device “suitable for” carrying out the method according to claim 1. By way of counsel, Applicants have reviewed *IPXL Holdings* and *Ex Parte Lyell*, and believe the same to be inapposite.

Withdrawal of the rejection is requested.

With respect to claim 22, line 1, claim 22 should depend from claim 19 and the claim is appropriately amended.

Withdrawal is requested.

### **The Prior Art**

US 5,834,066 Künzli et al (Künzli); US 6,503,575 Payne et al (Payne); US 4,696,855 Pettit, Jr. et al (Pettit); Japan 2001-150,185 (JP '185); US 6,017,591 Popoola et al (Popoola); US 4,011,073 Powers et al (Powers); US 5,445,514 Heitz (Heitz); US 4,835,002 Hühne (Hühne).

### **Claim Amendments**

Claims 1-19 are amended by including limits which represent a combination of claims 1/11/12/14/15 and 19/11/12/14/15, some of the dependent claims being included only in part into the independent claims.

### **Approach to the Rejections**

Given Applicants' approach to the rejections, they argue claims 1 and 19, and respond to the rejections of paragraphs 9, 11 and 12 of the Action as follows, all of which are rejections under 35 U.S.C. § 103, namely:

Claims 1, 2, 5, 6, 13 and 19-21 as being unpatentable over Künzli in view of Payne.  
Paragraph 9 of the Action.

Claims 10-12 as being unpatentable over Künzli in view of Payne as above applied further in view of JP '185. Paragraph 11 of the Action.

Claims 14-15 as being unpatentable over Künzli in view of Payne as above applied, further invention in view of Popoola. Paragraph 12 of the Action.

These rejections are traversed.

The Examiner's position in the Action will not be repeated here in complete detail except as necessary to an understanding of Applicants' traversal which is now presented.

### **Traversal**

Künzli discloses a flame spraying device (1) for feeding powder to a flame. See col. 5, lines 30-52. However, Künzli fails to disclose:

Part of the powder is a waste powder originating from a spray coating process;

The powder consists of an alloy having at least 50% by weight of zinc; and

The remaining part of the alloy comprises aluminium.

Payne does disclose a thermal spray method using powder. However, the same features lacking in Künzli are lacking in Payne. Thus, Payne cannot remedy the defects of Künzli.

With respect to JP '185, the Examiner is apparently relying on what is often called an "equivalent abstract," the same being compiled by Derwent. As would be appreciated, an "equivalent abstract" does not necessarily reflect the true contents of the original document.

Applicants have reviewed the machine translation of this Japanese document, and it appears that the machine translation of the document teaches that JP '185 mainly deals with brazing methods and a new brazing flux. Any mention of a flame spraying method is, at best, brief and incidental, and it is not clear from JP '185 whether the zinc aluminium alloy discussed in JP '185 is in fact used in any flame spraying method. No matter what the teaching of JP '185 is, it in no fashion teaches or suggests flame spray coating with powder.

This leaves Popoola. With respect to Popoola, Popoola teaches the use of conventional dust collection devices to recover particles not incorporated into a coating as disclosed in Popoola for later recycling. See Popoola at col. 5, lines 16-18. Popoola does not, however, in any fashion, teach how the recovered particles are recycled. As the Examiner will appreciate, there are countless ways in which particles recovered in the sense of Popoola might be recycled. In no fashion does Popoola suggest taking the Popoola recovered particles and using them as a coating material in a flame spraying process as required in claim 1 or in a device for coating by means of a flame as required in claim 19.

Applicants further respectfully submit that one of ordinary skill in the art would not be led to use the recycling concept mentioned in Popoola in combination with the flame spraying process as taught by Künzli as Popoola teaches recycling in the context of gas dynamic spraying using a supersonic flow, not in the context of flame spraying.

In more detail, one of ordinary skill in the art would not implement the particle recovery procedure taught by Popoola for use in gas dynamic spraying, where the particles stay in the solid phase, to be used in a flame spraying process as taught by Künzli where the particles are melted by the flame and hit the object to be coated in the form of liquid droplets.

Applicants respectfully submit that one of ordinary skill in the art would face substantial difficulties and would be led against implementing the particle recycling technique of Popoola in a completely different spraying technique as in Künzli where there are no solid particles to recover, rather, droplets are involved.

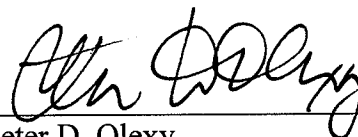
Applicants do note that before the date of the present invention it was considered impossible to recycle zinc aluminium powder from spray coating methods for reuse in flame spray applications due to particle oxidation. Nonetheless, the present invention demonstrated that, surprisingly, zinc aluminium particles can nonetheless be reused for flame spray coating.

Withdrawal of the art rejections and allowance is requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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